

Appl. No. : 09/991,863
Filed : November 16, 2001

REMARKS

Claims 14, 18, 20-23, 27, 35, 36, 39-41 and 44 have been amended by this paper, and Claims 37 and 38 have been cancelled. Claims 45-52 have been added by this paper, and Claims 15, 17, 19, 24-26, 28-34, 42 and 43 remain unchanged. Hence, by this paper, Claims 14, 15, 17-36 and 39-52 are presented for further examination.

The specific changes to the amended specification and claims are shown in the above sections entitled **IN THE SPECIFICATION** and **IN THE CLAIMS**. On these pages, the insertions are underlined while the ~~deletions are stricken through~~.

In the Office Action mailed June 7, 2004, the disclosure was objected to because appropriate section headings were missing. By this paper, section headings have been included. Accordingly, Applicant respectfully submits that this requirement for correction has been satisfied.

In the Office Action mailed June 7, 2004, Claims 14, 15, 17, 36 and 37 were rejected under 35 U.S.C. § 103(a), Claims 28-35 were indicated as being allowable over the art of record, and Claims 18-27 and 38-44 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this paper, Claims 14, 18, 22 and 36 have been amended to include limitations of the objected to claims and any limitations of the base claims in order to place them in allowable form. For example, Claim 14 has been amended to include the limitations of Claim 21, which depended therefrom, and which was objected to. Likewise, objected to Claim 18 has been amended to include the limitations of Claim 14, from which it depended, in order to place it in allowable form. Objected to Claim 22 has also been amended to include the limitations of Claims 14 and 15 from which it depended, so as to place it in allowable form. Claim 36 has been amended to include the limitations of Claim 37 and objected to Claim 38, so as to place Claim 36 into condition for allowance. New Claim 45 has been added to include the limitations of "providing a third optical detector" and "separately measuring a third output from said third optical detector" in dependent form to Claim 18. Accordingly, Applicant submits that these claims, as amended, now define subject matter which is patentable over the art of record. In addition, Applicant respectfully submits that, by definition, each of the claims which depend

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from the above-identified claims also are now patentable for the reasons set forth above with respect to the claims from which they depend.

Applicant has also presented herein new Claims 46-52. New independent Claim 46 corresponds to previously presented Claim 36, but includes the limitations of "optically inspecting said specimen using a light source, a first detector located in operable proximity to a first side of said optical disc and a second detector located in operable proximity to a second side of said optical disc." Applicant submits that the combination of this limitation and the other features of Claim 46 defines subject matter which is neither taught nor made obvious by the prior art of record, taken alone or in combination. Furthermore, since Claims 47-52 each depend from Claim 46, Applicant respectfully submits that these claims also define subject matter which is patentable over the art of record.

In addition to the other amendments presented herein, Applicant notes that several amendments to correct clerical errors have also been made, including amendments to Claims 27, 35 and 44.

In the Office Action, the Examiner indicated that Claims 28-35 were allowable over the prior art of record. Applicant submits that Claims 28-35 continue to be allowable over the prior art of record.

In view of the above, Applicant respectfully submits that Claims 14, 15, 17-36 and 39-52, as presented herein, define subject matter that is patentable over the art of record. Accordingly, Applicant respectfully submits that these claims are now in condition for immediate allowance and such prompt allowance of the same is respectfully requested.

CONCLUSION

The Applicant has endeavored to address all of the concerns of the Examiner in view of the recent Office Action directed to the above-identified application. Accordingly, amendments to the claims, the reasons therefor and arguments in support of the patentability of the pending claims are presented above. Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the

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scope of the claim language. Any new claims presented above are, of course, intended to avoid the prior art, but are not intended as replacements or substitutes for any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: Sept. 3, 2004

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AMEND
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